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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,250	03/12/2002	Masaaki Nakamura	Q67901	1287

7590 08/30/2005

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2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,250

Applicant(s)

NAKAMURA ET AL.

Examiner

Jill M. Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7 and 9-28 is/are pending in the application.
- 4a) Of the above claim(s) 13-21 and 24-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 and 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The objection of claim 11 is moot in view of applicants' amendment.

The rejection of claims 2-4 and 6 under 35 U.S.C. 112, second paragraph is moot in view of applicants' amendments.

The provisional rejection of claims 1-2 and 22-23 under the judicially created doctrine of obviousness-type double patenting is withdrawn in view of applicants' amendments and arguments.

The objection of claim 9 under 37 CFR 1.75 as being a substantial duplicate of claim 8 is moot in view of applicant's amendment.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-10, 12, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al, 4,872,932 (Yoshikawa) in view of Marshall et al, 4,397,985 (Marshall) for reasons of record.
3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al, 4,872,932 (Yoshikawa) in view of Marshall et al, 4,397,985 (Marshall), further in view of Shindo et al, 5,049,447 (Shindo), for reasons of record.

Response to Arguments

4. Applicant's arguments filed June 6, 2005 have been fully considered but they are not persuasive.

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Applicants argue that Yoshikawa does not suggest the treatment of organic fibers, and therefore, Marshall, which shows polyester yarn, has no relevance to Yoshikawa.

Agreeably Yoshikawa does not teach the treatment of fibers per se. However, it is the examiner's position that Yoshikawa discloses that the substrate can be a variety of materials and does not preclude the use of a substrate such as that claimed by applicants. Furthermore, Yoshikawa teaches that his substrates can be polyesters and that his rubbery composite materials can be used in the formation of tires, belts and hoses. Clearly this teaching would have provided a suggestion to the skilled artisan that substrates most commonly used in the formation of rubber composite materials used in tires, belts and hoses would have been suitable. Marshall would have provided direction to the skilled artisan as to what substrates are suitable in the formation of rubber composite materials used in the formation of tires and belts, namely, polyester yarn.

Applicants argue that even if Marshall were combined with Yoshikawa, the combination still does not teach the present invention because if polyester yarn, which is a twisted cord, were to be treated by the method of the present invention, the inner or concaved surface of the polyester yarn, which is generated by twisting would not be sufficiently treated.

In this regard, the present claims are not limited to any amount or degree of fiber treatment. Moreover, Marshall teaches that his fibers are treated with the cobalt containing coating before being formed into a cord. Also, it should be noted that the

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present claims are product claims, wherein arguments drawn to the method of making are not germane.

Therefore, the examiner's position remains that the combined teachings of Yoshikawa in view of Marshall and Yoshikawa in view of Marshall and further in view of Shindo would have rendered obvious the invention as claimed in present claims 1-4, 6-7, 9-12 and 22-23.

No claims are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

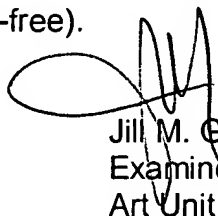
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:30-7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jill M. Gray
Examiner
Art Unit 1774

jmg